

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Shree A. Dandekar, Shannon C. Boesch, David A. Butts		
Assignee:	Dell Products L.P.		
Title:	Method and System for Automated Validation, Scripting, Dissemination and Installation of Software		
Serial No.:	10/657,989	Filed:	September 9, 2003
Examiner:	Qing Chen	Group Art Unit:	2191
Docket No.:	DC-05164	Customer No.:	33438

Austin, Texas
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COMMISSIONER FOR PATENTS
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PRE-APPEAL REQUEST FOR REVIEW
AND STATEMENT OF REASONS

Sir:

Applicant requests review of the Final Rejection in the above-identified application. No amendments are being filed with the request. This request is being filed with a Notice of Appeal and a Petition for Extension of Time. The following sets forth a succinct, concise, and focused set of arguments for which the review is being requested.

CLAIM STATUS

Claims 1, 3, 5-8, 10, 12-15, 17, 19, and 20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4-9, 12-17, and 20-24 of co-pending Application No. 10/768,823 (hereinafter "the '823 Application") in view of U.S. Patent No. 6,075,943 to Feinman (hereinafter "Feinman") and further in view of U.S. Patent No. 5,991,543 to Amberg et al. (hereinafter "Amberg").

Claims 1, 3, 5, 6, 8, 10, 12, 13, 15, 17, 19, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Amberg in view of Feinman.

Claims 4, 11, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Amberg in view of Feinman as applied to claims 1, 8, and 15, and further in view of U.S. Patent No. 6,088,803 to Tso et al. (hereinafter "Tso").

Claims 7 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Amberg in view of Feinman as applied to claims 1, 8, and further in view of U.S. Patent No. 6,378,054 to Karasudani et al. (hereinafter “Karasudani”).

Applicants’ invention relates to an automated system for validation, scripting, dissemination and installation of software on information handling systems. Before installation on an information handling system, a candidate software package is processed to verify compliance in accordance with a predefined set of software rules. If this compliance verification step indicates that the software does not comply with the predefined rules, a compliance failure notice is generated to provide details regarding the nature of the compliance failure.

Independent claims 1, 8, and 15 were amended by Applicants’ Response filed on February 6, 2007, and by Applicants’ Response to Final Office Action filed on August 9, 2007, to add limitations directed to a compliance server that is operable to perform compliance verification to confirm that a software file complies with “a predetermined set of software rules.” The compliance server limitation was recited in dependent claims 2, 9, and 16, which were cancelled after this limitation was added to the independent claims. The independent claims were further amended in the Response to Final Office Action to clarify that the compliance verification is conducted by verifying that the software file complies with a predetermined set of software rules.

Examiner originally rejected dependent claims 2, 9 and 16 under 35 U.S.C. §103(a) based on the combination of Amberg as modified by Feinman. Specifically, Examiner alleged that the features recited in originally submitted dependent claims 2, 9, and 16 are disclosed by Amberg in Col. 9, lines 9-16. The cited portion of the Amberg reference describes a system wherein various components are compared to a “component table” prior to installation on an information handling system. The cited portion of Amberg does not provide a teaching of a compliance server that is operable to perform compliance verification to confirm that a software file complies with a predetermined set of software rules, as recited in amended independent claims 1, 8 and 15.

For the reasons set forth above, it is respectfully submitted that claims 1, 8, and 15 are patentable over the ‘823 Application, Feinman and Amberg, and further, that Applicants’ invention as recited in independent claims 1, 8, and 15 is patentable over Amberg, Feinman, Tso and Karasudani and, therefore, the rejection of those claims under 35 U.S.C. §103(a)

should be removed. Furthermore, it is respectfully submitted that dependent claims 3-7 and 10-14 and 17-20 are allowable as being dependent on an allowable base claim.

CONCLUSION

Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

FILED ELECTRONICALLY
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Respectfully submitted,

/Gary W. Hamilton/

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